

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KELLY REESE

Petitioner,

-v-

**DEBORAH TIMMERMAN-COOPER,
Warden, London Correctional Institution**

Respondent.

Case No. C-3:10-cv-218

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**ENTRY AND ORDER OVERRULING REESE’S OBJECTIONS (Doc. #3)
TO THE MAGISTRATE JUDGE’S REPORT AND
RECOMMENDATIONS; OVERRULING REESE’S OBJECTIONS (Doc.
#5) TO THE MAGISTRATE JUDGE’S SUPPLEMENTAL REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATIONS (Doc. #2) IN ITS ENTIRETY;
ADOPTING THE MAGISTRATE JUDGE’S SUPPLEMENTAL REPORT
AND RECOMMENDATIONS (Doc. #4) IN ITS ENTIRETY; DISMISSING
REESE’S PETITION FOR A WRIT OF HABEAS CORPUS WITH
PREJUDICE; DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*;
DENYING ANY REQUESTED CERTIFICATE OF APPEALABILITY;
AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to Petitioner Kelly Reese’s (“Reese’s”) Objections (doc. #2) to Magistrate Judge Michael R. Merz’s Report and Recommendations (doc. #2) and Reese’s Objections (doc. #5) to Magistrate Judge Merz’s Supplemental Report and Recommendations (doc. #4).

Upon review, as required by Rule 4 of the Rules Governing § 2254 cases, the Magistrate Judge recommends that Reese’s Petition for a Writ of Habeas Corpus be dismissed with prejudice as barred by the statute of limitations. After further review, the Magistrate Judge’s Supplemental Report and Recommendations reaches the same conclusion.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Reese's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED, and that Reese's Objections to the Magistrate Judge's Supplemental Report and Recommendations are not well-taken and are hereby OVERRULED. The Magistrate Judge's Report and Recommendations and Supplemental Report and Recommendations are adopted in their entirety.

Reese's Petition for a Writ of Habeas Corpus was given preliminary consideration as required by Rule 4 of the Rules Governing § 2254 Cases. Pursuant to this consideration, Reese's Petition is time barred and must, therefore, be dismissed. Further, because reasonable jurists would not disagree with this conclusion, any appeal would be objectively frivolous. Thus, Reese is denied leave to appeal *in forma pauperis* and any requested certificate of appealability. Finally, The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and ORDERED in Dayton, Ohio, this Twenty-Eighth Day of July, 2010.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record